



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,326	01/09/2007	Roger D. Chamberlain	53047-57365	2088

70119 7590 06/03/2010  
THOMPSON COBURN LLP  
ATTN: RICHARD E. HAFERKAMP  
ONE U.S. BANK PLAZA  
SAINT LOUIS, MO 63101

EXAMINER
----------

TOLENTINO, RODERICK

ART UNIT	PAPER NUMBER
----------	--------------

2439

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/03/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDOCKET@THOMPSONCOBURN.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,326	<b>Applicant(s)</b> CHAMBERLAIN ET AL.	
	<b>Examiner</b> Roderick Tolentino	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 24-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/12/10, 1/28/10, 11/18/09, 10/27/09, 9/29/09, 09/29/09, 11/26/08, 11/26/08, 10/02/08, 10/02/08 and 10/02/08.

### DETAILED ACTION

1. Claims 1 – 23 are pending.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The Specification of the instant application describes that the present invention can be implemented as software, thereby rendering the “means for” language in claim(s) 21 as computer software. *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994), decided that

the “broadest reasonable interpretation” that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.

See MPEP § 2181 also. Therefore, giving the claims their broadest reasonable interpretation, while keeping the structure disclosed in the specification in my mind, one of ordinary skill in the art would construe claim(s) 21 as representing a computer program *per se*.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 5, 7, 9 – 18 and 20 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kovacevic U.S. PG-Publication No. (2002/0150248).
5. As per claims 1, 9 and 20, Kovacevic discloses providing a programmable logic device for connection to the database, wherein the programmable logic device is configured to (Kovacevic, Paragraph 0014, network interface), receive a stream of encrypted data from the database (Kovacevic, Paragraph 0013, receiving protected data stream), decrypt the received encrypted data stream to create decrypted data (Kovacevic, Paragraph 0014, decrypts protected stream) and encrypt the decrypted data in a second encrypted format and sharing the data of the second encrypted format by communicating it to an authorized party (Kovacevic, Paragraphs 0024 and 0025, re-encrypts decrypted data).
6. As per claim 2, Kovacevic discloses providing the authorized party with a key to decrypt the shared data (Kovacevic, Paragraph 0020, encryption/decryption key).
7. As per claims 3 and 10, Kovacevic discloses the second encrypted format is different than the first encrypted format such that the key provided to the authorized party will be different than a key necessary to decrypt the stored data (Kovacevic, Paragraph 0020, encryption/decryption key).
8. As per claims 4 and 11, Kovacevic discloses providing a memory device in communication with the programmable logic device, wherein the content of the memory device is accessible only by the programmable logic device, and wherein the programmable logic device is further configured to store at least a portion of the

Art Unit: 2439

decrypted data in the memory device (Kovacevic, Paragraph 0014, Network interface connected to a memory).

9. As per claims 5 and 22, Kovacevic discloses the database is owned by a first party, and wherein the data stored in the database is owned by a second party (Kovacevic, Paragraph 0014, data received came from some where else and stored in a different memory).

10. As per claim 7, Kovacevic discloses storing data in the database in the first encrypted format (Kovacevic, Paragraphs 0024 and 0025, re-encrypted data put into memory).

11. As per claim 12, Kovacevic discloses the programmable logic device is also configured to perform a socket operation on incoming and outgoing data to interface the programmable logic device with upstream and downstream components (Kovacevic, Paragraph 0014, network interface).

12. As per claim 13, Kovacevic discloses the data storage medium comprises a hard disk drive system, the device further comprising a disk connector for interfacing the device with the hard disk drive system (Kovacevic, Paragraph 0014, Network interface connected to a memory).

13. As per claim 14, Kovacevic discloses a disk controller in communication with the disk connector and the programmable logic device (Kovacevic, Paragraph 0014, Network interface connected to a memory).

14. As per claim 15, Kovacevic discloses an internal bus connecting the disk controller with the programmable logic device (Kovacevic, Paragraph 0014, PCI bus).

Art Unit: 2439

15. As per claim 16, Kovacevic discloses the internal bus is a PCI-X bus (Kovacevic, Paragraph 0014, PCI bus).

16. As per claim 17, Kovacevic discloses a bus connector for interfacing the programmable logic device with a bus on a computer motherboard (Kovacevic, Paragraph 0014, PCI bus).

17. As per claim 18, Kovacevic discloses the bus connector is a PCI-X bus connector (Kovacevic, Paragraph 0014, PCI bus).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 6, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovacevic U.S. PG-Publication No. (2002/0150248) in view of Ta et al. U.S. Patent No. (6,931,545).

20. As per claim 6, Kovacevic fails to teach receiving a request for stored data from the authorized party; responsive to the received request, retrieving stored data from the database; and processing the stored data through the programmable logic device. However, in an analogous art Ta teaches receiving a request for stored data from the authorized party; responsive to the received request, retrieving stored data from the

Art Unit: 2439

database; and processing the stored data through the programmable logic device (Ta, Col. 7 Line 62 – Col. 8 Lines 1 – 6, retrieve request for content of data on a database).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Ta's systems for integrity certification and verification of content consumption environments with Kovacevic's system for digital stream reception via memory buffer because it offers the advantage of verifying the integrity of applications (Ta, Col. 1 Lines 25 – 31).

21. As per claims 8 and 19, Kovacevic as modified teaches the programmable logic device is an FPGA (Ta, Col. 13 Lines 45 – 59, FPGA).

22. As per claim 23, Kovacevic fails to teach the reconfigurable logic device is an FPGA, the method further comprising: receiving a request for stored data from the requester; responsive to the received request, retrieving stored data from the database; and processing the stored data through the programmable logic device. However, in an analogous art Ta teaches the reconfigurable logic device is an FPGA (Ta, Col. 13 Lines 45 – 59, FPGA), the method further comprising: receiving a request for stored data from the requester; responsive to the received request, retrieving stored data from the database; and processing the stored data through the programmable logic device (Ta, Col. 7 Line 62 – Col. 8 Lines 1 – 6, retrieve request for content of data on a database).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Ta's systems for integrity certification and verification of content consumption environments with Kovacevic's system for digital stream reception



Art Unit: 2439

via memory buffer because it offers the advantage of verifying the integrity of applications (Ta, Col. 1 Lines 25 – 31).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino  
Examiner  
Art Unit 2439

/R. T./

Application/Control Number: 10/550,326

Page 8

Art Unit: 2439

Examiner, Art Unit 2439

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2439